HIGH COURT OF CHHATTISGARH AT BILASPUR

DIVISION BENCH

CORAM: **HON'BLE SHRI JAGDISH BHALLA, Ag. CJ. &**
HON'BLE SHRI DILIP RAOSAHEB DESHMUKH, J.

M.C.C. No. 268 of 2007

APPELLANT NON-APPLICANT NO.3	:	National Insurance Company Limited G.E. Road, Near Old Bus Stand, Raipur, Through: Its Acting Divisional Manager, Bilaspur Office, Taha Complex, Vyapar Vihar Road, Bilaspur, District Bilaspur, Chhattisgarh.
		Versus
RESPONDENT NO.1 APPLICANTS	(a)	Mahavir Das S/o. Ishwar Das Vaishnav, aged about 44 years
	(b)	Savitri Bai Vaishnav, D/o. Ishwar Prasad Vaishnav, aged about 42 years
		(Both are R/o. Village Mohala, P.O. Bhilai, P.S. Arang, District Raipur (C.G.)
		(CLAIMANTS)
RESPONDENT NO. 2 (NON –APPLICANT NO.1)	:	Murli Manohar Patro aged about 26 years, S/o. Prakash Chand Patro, R/o. Railway Colony, Kasturei Nagar, Police Station and District Raigarh (Orissa)
		(DRIVER)
RESPONDENT NO.3 NON-APPLICANT NO.2	:	M/s. Om Shanti Roadways Pvt. Ltd. Through : P.K. Charipal, Proprietor (Raigarh) District Raigarh (Orissa)
		(OWNER)

Application for restoration of Misc. Appeal No. 406/2006

Present : Shri N.K. Agrawal, Senior Advocate with Shri Deepak Gupta, counsel for the appellant.

ORAL ORDER
(Passed on 14th August, 2007)

The following oral order of the Court was passed by **Hon'ble Jagdish Bhalla, Ag. C.J. :**

Heard.

The delay in filing the appeal is condoned. Accordingly, I.A. No. 01 stands disposed of.

While filing the appeal there were defaults. Twice opportunity was given by the Registry and the appellant failed to remove the defaults pointed out by the Registry. Thereafter, by a Judicial order dated 30-08-2006, four weeks time was allowed with the condition that failing which the appeal shall stand dismissed in default. Again, the appellant failed to comply with the directions of this Court. Now this application for restoration has been moved indicating some grounds. In the interest of justice we would like to decide the matter on merits. Therefore, we restore M.A.(C) No. 406/2006 to its original number at the cost of Rs.5,000/-. The said amount be deposited in the Registry within seven days from today which shall be transmitted to the High Court Legal Aid Services Committee.

List the appeal after a week before appropriate Bench.

Accordingly, M.C.C. stands disposed of.

Sd/-
Ag Chief Justice

Sd-/
Dilip Raosaheb Deshmukh
Judge

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